

THE LATEST TELEGRAMS

We condense as follows from the latest dispatches:

Fred Douglass has been lecturing in Philadelphia on the subject of his escape from slavery. He says he got away from Baltimore disguised as a sailor and that friends in New York aided him.

C. B. Camp & Co., cotton merchants, New York, have suspended.

Gen. Dan Butterfield has made an elaborate report to the P. O. D. of arrangements for mail delivery in London and Paris.

Workingmen in New York are getting uneasy over the short hour labor question.

Prof. Avery of Columbia College is dead. He was formerly in the Sub-Treasury Department, N. Y.

The New York papers are much exercised over the case of Foster, the Carhook murderer. The most of them demand the poor wretch's execution.

It is now stated that Minister Bancroft will resign and Secretary Robeson of the Navy Department will succeed him.

Gold in San Francisco, 115; Greenbacks, 87 1/2 @ 88 1/4.

THE STATE PRISON.—Under the law which deprives the Lieutenant Governor of the Wardenship of the State Prison, there is no longer any other authority over the Penitentiary than the Board of Prison Commissioners; and the said Board, in order to be represented at the Prison until such time as they shall have selected a Warden, have deputized Mr. J. J. Linn to take supervision there; and he, while being nominally a clerk, is, as we take it, a sort of Warden *ad interim*. The Board will meet on the first Monday in April prox., and choose a Warden—but which one of the many patriots who stand ready to be burdened with the cares of that office will be chosen, the searching eye of our able and observant reporter has failed to discover.

A GOOD LOCAL PAPER is what is generally wanted here, and that is the kind of paper which we want to publish; and while there are many worthy people who are surcharged with news matters and toothsome gossip and even pleasant lies, they shrivel up, like a dried radish, in presence of the editorial creature and then emit endless growls if their local newspaper don't pan out to suit them. To these and the wide and narrow world we say then: People who know of things they want made public must hunt up the editor. If you have a light don't hide it under a bushel, but wave it! wave it!!

COMMISSIONED.—Governor Bradley has commissioned Nathaniel Taylor a Notary Public to reside in Lander county in this State. On yesterday commissions were issued for the filling of offices in the new county of Eureka, as follows: G. W. Baker, District Attorney; W. A. Seaton, Treasurer; J. D. Sullivan, Sheriff; C. C. Wallace, Assessor; F. A. Harmon, Clerk; T. C. Edwards, Recorder; and William Arrington, Commissioner. It will be observed by those who are conversant with the terms of the bill under whose provisions Eureka county was created, that the Governor has, in the issuance of the two last named commissions, disregarded the letter of the said bill—Edwards and Arrington being names substituted by him for the Recorder and Commissioner whose names occur in that instrument. This, we are assured, is not done from any personal prejudice in the premises, but, rather, to afford the initial terms of an issue in pursuance of which the Constitutionality of the Act in question may be tested. Doubtless there will be no little stir and loud venting of opinion on the boulevards of Eureka-town when the tidings of the Governor's doings shall have permeated those populous thoroughfares.

THEATER.—Another large and highly delighted audience filled the theater last night. Miss Mordant, in her several assumptions in the novel and pleasing drama of "Hearts are Trumps," won new plaudits. "Dolly" was round in spots in a very emphatic, satisfactory and pointed manner; and she, as the Queen of hearts was a most decided and leading trump card. Mr. Thayer who never fails to acquit himself as a clever and painstaking actor; Mr. Barry, who is no less a complete and satisfactory artist; and Mrs. Stewart, than whom but few actresses of the present day can better sustain themselves, lent a very efficient support to the star of the evening. To-night we are to have that stirring drama entitled "Ireland as it is," and the good old farce of Betsy Baker. As this is Miss Mordant's benefit night and the last of the season, there will doubtless be a rush; and it will be well to connect with the box sheet early in the action in order that desirable seats may be secured.

THE JULIA G. & S. M. CO. VS. THE CHOLLAR POTOSI COMPANY.

Decision of the Hon. Secretary of the Interior.

We herewith present our readers with the important decision promised in our issue of yesterday:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, WASHINGTON, D. C., Feb. 25, 1873.

Register and Receiver, Carson City, Nev.

GENTLEMEN: I enclose herewith a copy of the decision of the Hon. Secretary of the Interior, dated Feb. 24, 1873, affirming our decision in case of the application for patents for the Julia, La Cata, Scheel, South East Extension Hale & Norcross and Sarah Ann Lodes. You will inform all parties in interest and acknowledge the receipt hereof.

Very Respectfully,
Your obedient servant,
WILLIS DRUMMOND, Commissioner.

DEPARTMENT OF THE INTERIOR, WASHINGTON, D. C., Feb. 24, 1873.

SIR: I have considered your decision, rendered May 27, 1872, in the matter of the application of the Julia Gold and Silver Mining Company for patents for the Julia, Scheel, La Cata, Southeast Extension of the Hale and Norcross and the Sarah Ann lodes, in Nevada.

The facts are as follows: On the 30th September, 1871, applications for patents for these claims were filed in the Register's Office, at Carson City, Nevada, and notice was given in the usual manner for ninety days.

On the 20th of December, 1871, and before said ninety days had expired, Mr. Isaac L. Regua, in behalf of the "Chollar Potosi" Mining Company, filed in behalf of said company a protest against issuing patents for said claims, on the ground that on the 4th of Feb. 4, 1870, a patent had been issued to said Chollar Potosi Mining Company for their claim on the Comstock lode; that they are still the owners of the property described in said patent; that said lodes for which the Julia Gold and Silver Mining Company has made application for patents are the same which underlie the ground embraced in the patent issued to the Chollar-Potosi Mining Company; and that underlying the land claimed by the Julia company, there exists no other vein, lode or lodes than such as are embraced in the patent to the Chollar-Potosi Company. Wherefore the Chollar-Potosi Company pray that all proceedings may be stayed until the rights of the respective parties shall have been adjudicated in the proper local courts.

There is no claim on the part of the Chollar-Potosi Company that their surface rights conflict with the surface claims of the Julia Company. The patent to the Chollar-Potosi Company is for fourteen hundred (1400) linear feet of the Comstock lode; the premises granted being bounded on the east and on the west by the walls of the Comstock lode, not yet definitely ascertained, containing 34 and 74-100 acres, more or less.

It appears that the Julia lode was located May 25th, 1863; the Scheel lode, February 28th, 1866; the La Cata lode, March 9th, 1866; the Southeast Extension of the Hale and Norcross lode, October 22d, 1866; and the Sarah Ann lode, March 18th, 1868; in accordance with the local rules and customs of miners, and the record title to the whole of the property thus located is now in the Julia Company.

It also appears that no legal proceedings have been instituted against the Julia Company calling in question its right to patents. It further appears that the Julia Company has, in all respects, complied with the mining laws, and all the rules and regulations made in accordance therewith which are necessary to be complied with, before asking patents for its several claims.

The question thus raised is whether the protest entered by the Chollar-Potosi Company against the issuance of patents to the Julia Company, and the reasons assigned by the Chollar-Potosi Company for such protest, constitute an *adverse claim* within the meaning and spirit of the third and sixth sections of the Act approved July 26th, 1866, "granting the right of way to ditch and canal owners over public lands, and for other purposes," (14 Stat., 251).

In order to understand and correctly decide this question, it will be necessary to consider the various provisions of said Act, and thus to arrive at its true construction and the legal intent of its authors.

The first section of the Act enacts that "the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local customs or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States."

The second section provides that when any person claims a vein or lode of quartz, etc., having occupied and improved the same according to the local customs where the same is situated, and having expended thereon an amount not less than a thousand dollars (\$1,000), and "in regard to whose possession there is no controversy or opposing claim," such claimant may file in the local Land Office a diagram, and enter such tract and receive a patent therefor granting such mine, together with the right to follow such vein or lode, with its dips, angles and variations to any depth, although it may enter the land adjoining, "which land adjoining shall be sold subject to this condition."

The third section makes provision for a notice of the intention of the applicant to apply for a patent, and directs the Register of the Land Office in regard to the manner of publishing the notice for such claim, and provides that, after the expiration of ninety days from such publication, if no "adverse claim" shall have been filed, the Surveyor General shall survey the premises and make a plat thereof, indorsed with his approval, and then declares that upon the payment to the proper officer of five dollars (\$5) per acre, together with the cost of such survey, plat and notice, and the giving of satisfactory evidence that the diagram and notice have been posted on the claim during the period of ninety days, the Register of the Land Office shall transmit to the General Land Office such plat, survey and description, and a patent shall issue for the same.

The sixth section provides that whenever "an adverse claimant" to any mine located as aforesaid shall appear before the approval of the survey, as provided in the third section, proceedings shall be stayed until final settlement and adjudication in the courts of the "rights of possession to such claim," when a patent may issue as in other cases.

It will be observed that the second section, after pointing out what is to be done by any person or association claiming a vein or lode of quartz, before a patent is issued to such person therefore, describes it as one "in regard to whose possession there is no controversy or opposing claim." It also provides that when the patent is issued granting such mines the right to follow the vein or lode with its dips, angles and variations to any depth, although it may enter the land adjoining, is distinctly recognized. Then it is enacted that the "land adjoining shall be sold subject to this condition."

The sixth section then provides that when an "adverse claimant" to any mine shall appear, all proceedings shall be stayed until the courts shall determine "the rights of possession to such claim."

In this case, the Chollar-Potosi Company assert no right of possession to the premises for which the Julia Company ask patents. In regard to the surface possession of the property sought to be patented by the Julia Company, there is no "controversy" nor "opposing claim." It is asserted, however, that the Comstock lode, previously patented to the Chollar-Potosi Company, underlies the surface of the several claims for which the Julia Company ask patents; and it is also asserted that there is no lode or vein of quartz or other rock in place bearing gold, silver, cinnabar or copper, beneath the surface of the several claims of the Julia Company, except it be the Comstock lode, embraced in their patent before referred to. Is this such an "adverse claim" to the "possession" or "right of possession" of the Julia Company as is referred to in the third and sixth sections of the Act? Does this raise a "controversy" or "opposing claim" in regard to the "possession" of the property for which the Julia Company is seeking patents? If so, how is the adjoining land to be sold subject to the rights of the Chollar-Potosi Company? If, by merely asserting that the lode patented to this company is the only lode underlying the land claimed by the Julia Company, they can prevent the issuance of a patent to the Julia Company until the question is settled as to whether their assertion is correct or erroneous, how can such "adjoining land ever be sold subject to the rights" of the Chollar-Potosi Company?

The chief purpose of this mining law is to open all the mineral lands of the country to "exploration and occupation," and thus to encourage and stimulate mining operations. Hence the 4th section of the Act limits the quantity of surface which any individual may take to two hundred feet in length, and provides that no person shall make more than one location on the same lode; and that not more than three thousand feet shall be taken in any one claim by any association.

It seems to have been foreseen by the authors of this law that, without some unmistakable expression authorizing "land adjoining" to be sold, difficulties such as this case presents might arise, and, to prevent this and keep open and free to "exploration and occupation" all the mineral lands of the nation, it was enacted that land should be disposed of in very limited quantities, and that lands "adjoining" those first located should remain open to exploration and sale, subject to such rights as might have vested in the first locator. Considering this Act in all its parts, keeping each of its provisions in view and observing the relations of one to the other, it seems clear to my mind that in establishing this system for the sale of the mineral lands, it was intended to allow the first patentee to follow his vein, though it may lead him under "adjoining land." It seems equally clear that it was also intended that such "adjoining land" should be sold subject only to this right; and it seems equally clear that this right to follow a vein under adjoining land does not create a "controversy" or "opposing claim" under the 2nd section, nor an adverse claim under the 3d section, to the possession of him who enters the adjoining land for mining purposes. There is, in this case, no controversy about the "possession" of the surface of the several claims for lodes made by the Julia Company, and hence I conclude that the Chollar Company has made no such "adverse claim" to the property sought to be patented by the Julia Company as is necessary by the Act aforesaid in order to require proceedings to be stayed until "final settlement in the Courts of the rights of possession to such claim" be had. To allow any other construction would enable the first patentee, greatly to obstruct the sale

of the mineral lands; for if a previous patentee sees fit to claim that his vein or lode underlies adjoining land, he can prevent this land from being patented to an indefinite extent of surface until the fact is ascertained by legal proceedings whether such claim is true or false. He may thus suspend the sale of "adjoining land," and indeed prevent any sale "subject to his rights," because he will require these rights to be determined before the adjoining land is patented.

By issuing a patent to the Julia Company, the legal rights of the Chollar Potosi Company cannot be impaired, because the patent itself, following the direction of the statute, will provide that the adjoining lands are sold subject to the rights of the Chollar Potosi Company. That Company, if satisfied that its vein or lode is the only one underlying the surface claimed by the Julia Company, can enjoy in a Court of equity the Julia Company from proceeding to take minerals previously patented to the Chollar Company; and, upon making good their allegations, will at once obtain a perpetual prohibition of the Julia Company from proceeding to take such minerals.

This construction of the Act will enable the Government to proceed to sell "adjoining land" subject to the rights of previous patentees, and will prevent the first patentee from prohibiting the Government the exercise of this privilege when adjoining lands are found which are supposed to contain other veins or lodes of mineral than such as had been previously patented. I cannot eradicate from my mind the necessity for this construction. Any other view of it seems to me unreasonable and against the spirit of the entire Act, with a strong tendency at least towards an adherence to the letter rather than to follow the reason of the law.

I therefore affirm your decision, and direct that patents be issued to the Julia Company for its several claims, which on their face shall show that they are issued subject to the legal rights of all previous locators or patentees.

I am the better satisfied with this conclusion because I understand that it conforms to the uniform practice and rulings of your office since the passage of what is termed the mining Act.

The papers are herewith returned.

I am, Sir, very respectfully,
Your obedient servant,
C. DELANO, Secretary.

HON. WILLIS DRUMMOND, Com. Gen. Land Office.

LIST OF LETTERS

REMAINING IN THE CARSON POST-Office, March 8, 1873:

Ladies List.
Burrell, Mrs. Clara
Clinton, Miss Fannie
Farrell, Miss Annie
Hewson, Annie S.
Allen, Oscar
Adams, R.
Berenger, Charley
Beeler, Jacob
Reyd, J.
Boyle, I. W.
Carson, John
Chick & Brown
Caslety, Wm
Criswell, A. C.
Crowley, Daniel
Corlew, A. J.
Cramer, H. P.
Denning, George
Etue, George

FRED. D. TURNER, P. M.

R. FRED. BROOKS, bookseller, stationer and newdealer, dealer in cheap jewelry, cutlery, toys, musical instruments, fancy goods, imported cigars and tobacco. Agency for the Royal Havana lottery, opposite the Ormsby House next door to Rail's hardware store, Carson City, Nevada.

MRS. STOUTENBURN wishes to inform the ladies of Carson and vicinity she has returned from San Francisco and will resume business on Fourth street in rear of Oleovich's store, mh7

"UNKNOWN" AND "HIGH LIFE."—An invoice of these celebrated cigars which have rendered R. Fred. Brooks' store so deservedly popular, arrived last night and are sold at his stand opposite (not next door) to the Ormsby House, Carson, Nevada.

HAVANA LOTTERY TICKETS, \$22; coupons \$1.10 each. Agency at Brooks' Segar, Fancy Goods and Stationery Store, opposite the Ormsby House, Carson City, Nev. Prizes cashed on presentation. Look out for counterfeits.

CARSON THEATER.

Lessee.....John Piper

LAST NIGHT.

BENEFIT OF

MISS MARIAN MORDAUNT

Wednesday Evening, March 12, 1873.

IRELAND AS IT IS!

July O'Trot.....Miss Marian Mordant

To conclude with the amusing farce of

Betsy Baker!

Betsy Baker.....Miss Mordant

PRICES OF ADMISSION:

Dress Circle and Orchestra.....One Dollar

Reserved Seats.....Fifty Cents Extra

SEEDS! 1873. SEEDS!

JUST RECEIVED AT

WILLIS' DRUG STORE!

A large and complete assortment of

Garden and Flower Seeds,

Warranted Fresh and Genuine.

SOLD AT THE LOWEST PRICES.

O. P. WILLIS,

mh3-tf Corner Carson and King Streets.

FRISBIE'S Restaurant

AND

OYSTER SALOON!

Corner of King and Carson Streets,

Carson City, Nevada.

THE UNDERSIGNED HAS ENTIRELY renovated this popular place of resort. A

PRIVATE APARTMENT

has been added to the Establishment, fitted up in the best style, for LADIES AND FAMILIES.

All kinds of

Came, Poultry,

Fresh Oysters from the East and San Francisco.

FISH, BOTH FRESH AND SALT WATER, CAN BE HAD AT ALL HOURS.

By purchasing all my supplies at wholesale, am prepared

To Set a Better Table at Less Prices than any other house in the State.

Finest of Liquors, Wines and Cigars.

Jan1 L. P. FRISBIE.

FOUNTAIN RESTAURANT,

Carson street, bet. Spear and Telegraph,

Carson City, Nev.

MEALS COOKED IN THE BEST style of the culinary art

Furnished at all hours.

The Proprietors are determined to merit and maintain the reputation of a

First-Class Eating House,

And to that end THE FOUNTAIN will always be supplied with the best of everything in the market.

HUNT & PHILLIPS, Proprietors.

Jan1-tf

COFFEE STAND

—AND—

Restaurant!

Winston's Exchange, Carson street, between Carson and King streets, Carson City.

CHARLES LEGATE, - Proprietor.

THE UNDERSIGNED, WELL KNOWN by the epicures of Carson, Virginia and elsewhere, has established a Coffee Stand and Restaurant at the above named place, and is now

ready to serve, in first-class style, all those who love good eating and relish a strong cup of coffee. All the delicacies the Carson markets afford will at all times be kept at his stand and restaurant. A share of public patronage is respectfully solicited.

Jan1-tf CHARLES LEGATE.

Restaurant and CHOP HOUSE

[Magnolia Saloon, County Building.]

Henry Kaiser.....Proprietor

HAVING RENTED THE RESTAURANT and Lunch Stand in the Magnolia Saloon, I beg leave to notify the traveling and resident public that I intend keeping the choicest of eatables. I shall always be on hand to superintend the cooking of meals and give attention to my customers.

Meals at all hours—day and night.

Private rooms at my residence, corner of Curry and Omsby streets, in rear of County Building. Orders for Suppers, Balls, and other parties filled on short notice.

Feb1-tf HENRY KAISER.

O. P. WILLIS,

APOTHECARY.

Corner Carson and King Streets,

CONSTANTLY ON HAND A LARGE and complete stock of

DRUGS,

MEDICINES,

PERFUMERY, ETC.,

SOLD AT

Wholesale and Retail.

Prices Reasonable. O. P. WILLIS.

CITY MEAT MARKET,

King Street, Carson City, Nevada.

THE CHOICEST CUTS OF FRESH

Beef,

Veal,

Pork,

Mutton, Etc.

Can always be found. It this market; also, SUPERIOR CORNED BEEF for family use.

By careful attention to business and prompt delivery of all orders, when desired, the undersigned, proprietor of the City Meat Market, hopes to merit a share of patronage.

Jan1-tf JOHN P. MEIER.

CHAS. W. FRIEND,

WATCHMAKER, JEWELER AND ENGRAVER,

CARSON CITY, NEVADA

DEALER IN WATCHES,

Silverware, Fine Jewelry,

Clocks, etc. Jewelry of all descriptions made to order. Instruments carefully repaired and warranted.

And keeps constantly on hand the finest brand of Havana and Domestic Cigars, Smoking and Chewing Tobaccoes,

Pipes, Cutlery Stationery, etc.

Sole agent for the celebrated

CRESCENT SPECTACLES.

Carson City, Jan. 1, 1873.

SIERRA SEMINARY

BOARDING

AND

DAY SCHOOL

The 21st semi-annual session commences

Monday, January 6, 1873.

For terms and particular address:

H. E. CLAPP, Principal,

Carson City, Nevada.

Jan1-tf